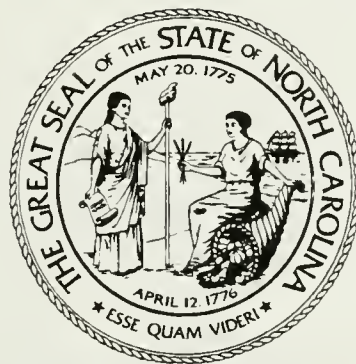


JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE



*REPORT TO THE
2001 GENERAL ASSEMBLY
OF NORTH CAROLINA*

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Telephone: (919) 733-9390

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General Assembly of North Carolina

SENATOR CHARLES W. ALBERTSON
CO-CHAIR
36 HENRY DUNN PICKET ROAD
BEULAVILLE, NORTH CAROLINA 28518

JEFF W. HUDSON
COMMISSION COUNSEL
545 LEGISLATIVE OFFICE BUILDING
300 NORTH SALISBURY STREET
RALEIGH, NORTH CAROLINA 27611
919/733-2578
FAX (919) 715-5460

GEORGE F. GIVENS
ASSISTANT COMMISSION COUNSEL
545 LEGISLATIVE OFFICE BUILDING
300 NORTH SALISBURY STREET
RALEIGH, NORTH CAROLINA 27611
919/733-2578
FAX (919) 715-5460

Joint Legislative Commission for Seafood and Aquaculture

State Legislative Building
Raleigh, North Carolina

REPRESENTATIVE WILLIAM L. WAINWRIGHT
CO-CHAIR
PO Box 941
HAVELOCK, NORTH CAROLINA 28532

MARY R. WATSON
COMMISSION CLERK
1121 LEGISLATIVE OFFICE BUILDING
16 WEST JONES STREET
RALEIGH, NORTH CAROLINA 27601
(919) 733-5708
FAX (919) 733-2599

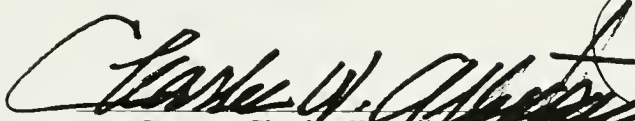
HANNAH I. HOLM
RESEARCH ASSISTANT
545 LEGISLATIVE OFFICE BUILDING
300 NORTH SALISBURY STREET
RALEIGH, NORTH CAROLINA 27611
(919) 733-2578
FAX (919) 715-5460

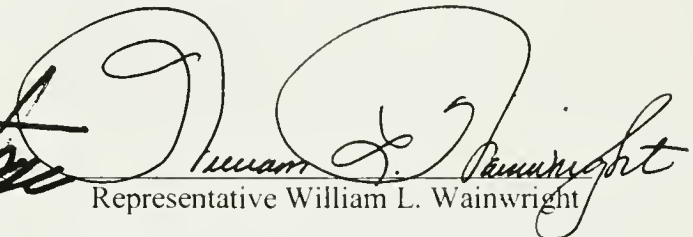
January 22, 2001

TO THE MEMBERS OF THE 2001 REGULAR SESSION OF THE 2001 GENERAL
ASSEMBLY

Pursuant to G.S. 120-70.62(8), the Joint Legislative Commission on Seafood and
Aquaculture submits its report and recommendations to the 2001 Session of the 2001
General Assembly.

Respectfully submitted,


Senator Charles W. Albertson


Representative William L. Wainwright

Co-chairs
Joint Legislative Commission on Seafood and Aquaculture



MEMBERSHIP

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE 2000-2001

President Pro Tempore's Appointments

Senator Charles W. Alberston, Cochair
136 Henry Dunn Pickett Road
Beulaville, NC 28518

Senator Luther H. Jordan, Jr.
PO Box 701
Wilmington, NC 28402

Senator Beverly Perdue
PO Box 991
New Bern, NC 28563

Senator Robert G. Shaw
PO Box 8101
Greensboro, NC 27419

Governor's Appointments

Mr. Benjamin M. Currin
801 Westwood Drive
Raleigh, NC 27607

Mr. Robert V. Lucas
P. O. Box 309
Selma, NC 27576

Mr. Joey Daniels
Wanchese Fish Company
P. O. Box 369
Wanchese, NC 27981

Ms. Twila M. Nelson
369 Diamond City Drive
Harkers Island, NC 28531

COMMISSION STAFF

Jeff W. Hudson
George F. Givens
Research Division
Room 545/Legislative Office Building
Raleigh, NC 27601-1096

Speaker's Appointments

Representative William L. Wainwright, Cochair
P. O. Box 941
Havelock, NC 28532

Representative Zeno L. Edwards
212 Riverside Drive
Washington, NC 27889

Representative E. David Redwine
P. O. Box 283
Shallotte, NC 28459

Representative Ronnie L. Smith
103 Gloucester Ct.
Newport, NC 28570

Commissioner of Agriculture's Appointments

Mr. Benjamin G. Day
175 Wallace Road
Beaufort, NC 28516

Mr. Robert Mayo
PO Box 10
Ayden, NC 28513

Mr. Jerry Schill
NC Fisheries Association
P. O. Box 2303
New Bern, NC 28561

COMMISSION ASSISTANT

Mary R. Watson
Room 1121/Legislative Building
Raleigh, NC 27601-2808

AUTHORIZING LEGISLATION

ARTICLE 12F.

Joint Legislative Commission on Seafood and Aquaculture.

§ 120-70.60. Joint Committee staffing.

The Joint Legislative Commission on Seafood and Aquaculture is hereby established as a permanent joint committee of the General Assembly. As used in this Article, the term "Commission" means the Joint Legislative Commission on Seafood and Aquaculture.

§ 120-70.61. Membership; cochairmen; vacancies; quorum.

The Joint Legislative Commission on Seafood and Aquaculture shall consist of 15 members: four Senators appointed by the President Pro Tempore of the Senate; four Representatives appointed by the Speaker of the House of Representatives; four members appointed by the Governor; and three members appointed by the Commissioner of Agriculture. The members shall serve at the pleasure of their appointing officer. The President Pro Tempore of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Vacancies occurring on the Commission shall be filled in the same manner as initial appointments. A quorum of the Commission shall consist of eight members.

§ 120-70.62. Powers and duties.

The Commission shall have the following powers and duties:

- (1) To monitor and study the current seafood industry in North Carolina including studies of the feasibility of increasing the State's production, processing, and marketing of seafood;
- (2) To study the potential for increasing the role of aquaculture in all regions of the State;
- (3) To evaluate the feasibility of creating a central permitting office for fishing and aquaculture matters;
- (4) To evaluate actions of the Marine Fisheries Division of the Department of Environment and Natural Resources, the Wildlife Resources Commission of the Department of Environment and Natural Resources and of any other board, commission, department, or agency of the State or local government as such actions relate to the seafood and aquaculture industries;
- (5) To make recommendations regarding regulatory matters relating to the seafood and aquaculture industries including, but not limited to:
 - a. Increasing the State's representation and decision-making ability by dividing the State between the Atlantic and South Atlantic regions of the National Division of Marine Fisheries; and
 - b. Evaluating the necessity to substantially increase penalties for trespass and theft of shellfish and other aquaculture products;

- (6) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the seafood and aquaculture industries;
- (7) To review existing and proposed State law and rules affecting the seafood and aquaculture industries and to determine whether any modification of law or rules is in the public interest;
- (8) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (9) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental Operations, and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate.

§ 120-70.63. Additional powers.

The Commission, while in the discharge of official duties, may exercise all the powers of a joint committee of the General Assembly provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call of either cochairman, whether or not the General Assembly is in session. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

§ 120-70.64. Compensation and expenses of members.

Members of the Commission shall receive per diem and travel allowances in accordance with G.S. 120-3.1 for members who are legislators, and shall receive compensation and per diem and travel allowances in accordance with G.S. 138-5 for members who are not legislators.

§ 120-70.65. Staffing.

The Legislative Services Officer shall assign as staff to the Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Commission through the Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. The expenses of employment of clerical staff shall be borne by the Commission.

§ 120-70.66. Funding.

From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the Joint Legislative Commission on Seafood and Aquaculture.

COMMITTEE PROCEEDINGS

During the interim between the 2000 Regular Session of the 1999 General Assembly and the convening of the 2001 General Assembly, the Joint Legislative Commission on Seafood and Aquaculture met three times. Following is an agenda and a brief description of the proceedings of each meeting.

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

2:00 p.m. Thursday, October 12, 2000
Room 544 - Legislative Office Building

1. Call to order
Senator Charles Albertson
2. Introductory remarks by Co-chairs
Senator Charles Albertson
Representative William Wainwright
3. Report to the Commission and explanation of agenda items
Jeff Hudson, Commission Counsel
4. Report on progress in developing and implementing Coastal Habitat Protection Plans (G.S. 143B-279.8(e))
Preston Pate, Director
Division of Marine Fisheries, DENR
5. Development of Fishery Management Plans
Report on progress in developing and implementing Fishery Management Plans (G.S. 113-182.1(e))
Preston Pate, Director
Division of Marine Fisheries, DENR

Comment on the development of Fishery Management Plans
Michael "Terry" Pratt, Former President
Roanoke-Chowan Wildlife Club
6. Commission discussion and announcements
7. Adjourn

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

**2:00 p.m. Thursday, October 12, 2000
Room 544 - Legislative Office Building**

The Joint Legislative Commission on Seafood and Aquaculture met on Thursday, October 12, 2000. The Commission received two statutorily required annual reports on the development and implementation of Fishery Management Plans and Coastal Habitat Protection Plans.

Mr. Preston Pate, Director of the Division of Marine Fisheries, Department of Environment and Natural Resources, delivered the annual report on progress in developing and implementing Fishery Management Plans required by G.S. 113-182.1(e). Mr. Pate explained that the Marine Fisheries Commission had already developed and adopted Fishery Management Plans for Blue Crab and River Herring and noted that there are a number of Fishery Management Plans in various stages of development. He provided brochures explaining the development process for three of these Fishery Management Plans: the Southern Flounder Fishery Management Plan, the Eastern Oyster Fishery Management Plan, and the Hard Clam Fishery Management Plan.

Mr. Pate also delivered the annual report on progress in developing and implementing Coastal Habitat Protection Plans required by G.S. 143B-279.8(e). He explained that the goal of the Coastal Habitat Protection Plans is to encourage cooperation among the Coastal Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission to provide enhanced protection for coastal fisheries habitat. Mr. Pate also explained that the Coastal Habitat Protection Plans would be based on six or seven regional planning units. He anticipated the Coastal Habitat Protection Plans for the Chowan River planning unit and the Coastal Ocean planning unit would be available for review by the Commissions by June of 2001.

Mr. Terry Pratt, former President of the Roanoke-Chowan Wildlife Club, read a resolution prepared by the Roanoke-Chowan Wildlife Club regarding the development of Fishery Management Plans. Mr. Pratt explained that the members of the Roanoke-Chowan Wildlife Club believe that the Division of Marine Fisheries should take a more comprehensive approach to the development of Fishery Management Plans rather than the current species by species approach.

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

9:30 a.m. Wednesday, December 6, 2000
Room 544 - Legislative Office Building

1. Call to order
Representative William Wainwright
2. Introductory remarks by Co-chairs
Representative William Wainwright
Senator Charles Albertson
3. Report to the Commission and explanation of agenda items
Jeff Hudson, Commission Counsel
4. Discussion of dual office holding and conflict of interest considerations relating to members of the Commission
George F. Givens, Assistant Commission Counsel
5. Report on use of funds derived from the sale of commercial fishing licenses
Preston Pate, Director
Division of Marine Fisheries, DENR
6. Report on the implementation of the provisions in the Hurricane Floyd Recovery Act of 1999 that provide for the compensation of commercial fishermen for equipment losses and reductions in harvest
Preston Pate, Director
Division of Marine Fisheries, DENR
7. Forecast of legislative proposals for consideration by the Commission
Remove sunset from the license provisions of the Fisheries Reform Act of 1997
Jeff Hudson, Commission Counsel

Stagger terms of Marine Fisheries Commission members
Jeff Hudson, Commission Counsel

Study impact of trawling
Preston Pate, Director
Division of Marine Fisheries, DENR

Authorize Marine Patrol Officers to assume federal responsibilities
Preston Pate, Director
Division of Marine Fisheries, DENR
8. Commission discussion and announcements
9. Adjourn

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

9:30 a.m. Wednesday, December 6, 2000
Room 544 - Legislative Office Building

The Joint Legislative Commission on Seafood and Aquaculture met on Wednesday, December 6, 2000. The Commission discussed dual office holding and conflict of interest considerations relating to its members, received a report on the use of funds derived from the sale of commercial fishing licenses, received a report on the implementation of the fisheries provisions of the Hurricane Floyd Recovery Act of 1999, and previewed several legislative proposals.

George Givens, Assistant Commission Counsel, discussed dual office holding and conflict of interest considerations relating to members of the Commission. Mr. Givens explained that the Constitution of North Carolina prohibits an individual from concurrently holding two elected or appointed State offices, except as provided by the General Assembly. Mr. Givens noted that in creating the Marine Fisheries Commission, the General Assembly had specifically provided that a member of the Marine Fisheries Commission may concurrently hold another elected or appointed office. Mr. Givens further explained that a person serving on both the Joint Legislative Commission on Seafood and Aquaculture and the Marine Fisheries Commission should probably recuse him or herself from voting on any action that directly relates to a proposed or past action of the Marine Fisheries Commission.

Mr. Preston Pate, Director of the Division of Marine Fisheries, Department of Environment and Natural Resources, reported on the use of commercial license revenues by the Division. Mr. Pate explained that a considerable amount of the license revenues were used to develop the Division's Fisheries Information Network (FIN) computer system. He noted that in the near future, the Division will allocate approximately seven hundred fifty thousand dollars (\$750,000) of the license revenues to maintain the system.

Mr. Pate also reported on the implementation of the provisions of the Hurricane Floyd Recovery Act of 1999 that provide for the compensation of commercial fishermen for equipment losses and reductions in harvest. Mr. Pate said that the average disaster relief grant was approximately six thousand dollars (\$6,000). He also noted that of the eleven million four hundred thousand dollars (\$11,400,000) appropriated to the Division for its disaster relief program, approximately one hundred twenty-five thousand dollars (\$125,000) has been used for administration of the program. Mr. Pate explained that after the final scheduled disbursement of grants, approximately one million five hundred thousand dollars (\$1,500,000) would remain in the Division's disaster relief program. A number of Commission members asked Mr. Pate about expanding the disaster relief program to include fish dealers. The Commission directed staff to draft proposed legislation to expand the disaster relief program to include fish dealers.

Mr. Hudson, Commission Counsel, and Mr. Pate previewed four legislative proposals for the Commission. The legislative proposals were to:

- Remove the sunset from the license provisions of the Fisheries Reform Act of 1997
- Stagger the terms of members of the Marine Fisheries Commission
- Study the impacts of trawling
- Authorize Marine Patrol Officers to assume federal responsibilities

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

9:30 a.m. Monday, January 22, 2001
Room 544 - Legislative Office Building

1. Call to order
Senator Charles Albertson
2. Introductory remarks by Co-chairs
Senator Charles Albertson
Representative William Wainwright
3. Report to the Commission and explanation of agenda items
Jeff Hudson, Commission Counsel
4. Approval of minutes of the following Commission meetings:
 - April 13, 2000
 - May 3, 2000
 - October 12, 2000
 - December 6, 2000
5. Review of and comment on draft Red Drum Fishery Management Plan (G.S. 113-182.1(e))
Louis Daniel, Executive Assistant for Councils
Division of Marine Fisheries, DENR
6. Annual report on expenditure of funds in the Shellfish Rehabilitation Program (S.L. 1997-443, Section 15.42)
Craig Hardy, Chief
Resource Enhancement Section, Division of Marine Fisheries,
DENR
7. Annual report on the Fishery Resource Grant Program (G.S. 113-200(i))
Steve Rebach, Associate Director
North Carolina Sea Grant
8. View video funded by a grant from the Fishery Resource Grant Program entitled:
North Carolina True Blue Crab
William E. Hitchcock, Owner and Operator
Hitchcock Broadcasting

9. Consideration of legislative proposals for possible recommendation by the Commission to the 2001 Session of the 2001 General Assembly

Legislative proposals include:

- Repeal Fisheries Sunsets
- Stagger terms of Marine Fisheries Commission members
- Raise cap on funds for administration of the Fisheries Resource Grant Program
- Expand Hurricane Floyd disaster relief to include licensed fish dealers
- Amend process for revision of Fishery Management Plans
- Fund study on impacts of trawling

Jeff Hudson, Commission Counsel

10. Consideration of the draft Commission Report to the 2001 Session of the 2001 General Assembly

Jeff Hudson, Commission Counsel

11. Commission discussion and announcements

12. Adjourn

JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE

9:30 a.m. Monday, January 22, 2001
Room 544 - Legislative Office Building

The Joint Legislative Commission on Seafood and Aquaculture met on Monday, January 22, 2001. The Commission approved minutes for the meetings of April 13, 2000, May 3, 2000, October 12, 2000, and December 6, 2000; reviewed the draft Red Drum Fishery Management Plan; received the annual report on the Shellfish Rehabilitation Program; received the annual report on the Fishery Resource Grant Program; viewed the *North Carolina True Blue Crab* video; and considered legislative proposals for recommendation to the 2001 General Assembly.

Mr. Louis Daniel, Executive Assistant for Councils, Division of Marine Fisheries, Department of Environment and Natural Resources, presented the draft Red Drum Fishery Management Plan (Red Drum FMP). Commission members asked a number of questions regarding the gear and attendance requirements in the draft Red Drum FMP and praised the Marine Fisheries Commission (MFC) and its advisory committees for their work in the preparation of the draft Red Drum FMP. The Commission had no official comment regarding the draft Red Drum FMP.

Mr. Craig Hardy, Chief of the Resources Enhancement Section, Division of Marine Fisheries, Department of Environment and Natural Resources, presented the annual report on expenditure of funds in the Shellfish Rehabilitation Program (Program). Program expenditures for the 2000 calendar year were nine hundred thirty-five thousand six hundred seventy-eight dollars (\$935,678). During this period, the Program planted a total of three hundred thousand two hundred eighteen (300,218) bushels of cultch material for oyster habitat enhancement. The Program also relayed six thousand three hundred sixteen (6,316) bushels of oysters and approximately two hundred thirty-seven thousand (237,000) clams from polluted areas to open waters for purification.

Mr. Steve Rebach, Associate Director of North Carolina Sea Grant, presented the annual report on the Fishery Resource Grant Program. During the 2000 calendar year, the Fishery Resource Grant Program funded thirty-one proposals at a total of nine hundred fourteen thousand nine hundred thirty-one dollars (\$914,931). Members of the Commission asked questions regarding the practical applicability of the funded projects and the geographic distribution of grants.

Mr. William E. Hitchcock, owner and operator of Hitchcock Broadcasting, presented a video funded by the Fishery Resource Grant Program, *North Carolina True Blue Crab*. The video highlights problems in North Carolina's crab industry, especially foreign competition.

The Commission considered six legislative proposals for recommendation to the 2001 General Assembly:

1. Repeal Fisheries Sunsets: This proposal would remove the sunsets on the licensing provisions of the Fisheries Reform Act of 1997 and the Marine Fisheries Amendments of 1998. The Commission amended the proposal by adding a one-year extension of the moratorium on issuing shellfish leases for Core Sound. The

Commission recommended the amended proposal to the 2001 General Assembly. A copy of the recommended proposal may be found on page 10 of this report.

2. Stagger terms of Marine Fisheries Commission members: This proposal would stagger the terms of members of the Marine Fisheries Commission so that the terms all of the commercial interest members wouldn't expire at the same time and the terms of all of the recreational interest members wouldn't expire at the same time. The Commission recommended the proposal to the 2001 General Assembly. A copy of the recommended proposal may be found on page 12 of this report.
3. Raise cap on funds for administration of the Fisheries Resource Grant Program: This proposal would repeal the seventy-five thousand dollar (\$75,000) cap on administrative expenses for the Fishery Resource Grant Program and would allow the Program to use up to ten percent (10%) of the funds appropriated for administrative expenses. The Commission recommended the proposal to the 2001 General Assembly. A copy of the recommended proposal may be found on page 14 of this report.
4. Expand Hurricane Floyd disaster relief to include licensed fish dealers: This proposal would reiterate the Governor's authority to expand Hurricane Floyd disaster relief to include licensed fish dealers. The Commission recommended the proposal to the 2001 General Assembly and also directed Commission Staff to draft a letter to the Governor asking the Governor to review the existing disaster relief eligibility criteria and consider whether the criteria should be revised to allow licensed fish dealers who have suffered losses in income due to the effects of Hurricane Floyd to receive disaster relief grants. A copy of the recommended proposal may be found on page 15 of this report.
5. Amend process for revision of Fishery Management Plans: This proposal would direct the Marine Fisheries Commission to review each Fishery Management Plan at least once every five years rather than revise each Fishery Management Plan once every three years. The Commission recommended the proposal to the 2001 General Assembly. A copy of the recommended proposal may be found on page 16 of this report.
6. Fund study on impacts of trawling: This proposal would provide funding for a study of the impacts of trawling. The Commission endorsed the concept of the study language and expressed the desire to review it in the future, but did not officially recommend it to the 2001 General Assembly.

Mr. Jeff Hudson, Commission Counsel, presented the draft Commission Report to the 2001 General Assembly to the Commission. The Commission approved the Report.

RECOMMENDATIONS

The Joint Legislative Commission on Seafood and Aquaculture recommended the following legislative proposals to the 2001 General Assembly:

- Repeal Fisheries Sunsets/Extend Core Sound Mor. (as amended)
- Stagger Marine Fisheries Commission Terms
- Raise Cap on Funds to Administer FRGP
- Expand Floyd Relief to Include Fish Dealers
- Amend Fishery Management Plan Revision

The full text of each recommendation is included in the following pages.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

D

DRS4527-SBz-1* (01/06)

Short Title: Repeal Fisheries Sunsets/ Extend Core Sound Mor.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.15 of S.L. 1997-400 reads as rewritten:

"Section 6.15. Sections 1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 5.5, 5.6, 5.8, 6.2, 6.7, 6.10, 6.11, 6.12, 6.13, and 6.15 of this act are effective when this act becomes law. Sections 2.1, 4.4, 5.3, 6.3, 6.4, 6.5, 6.6, and 6.8 of this act become effective 1 September 1997. Sections 4.1, 4.2, and 4.3 of this act become effective 1 September 1997 and apply to violations and offenses on or after 1 September 1997. Section 1.2 of this act is effective retroactively as of 1 March 1997. Sections 6.1 and 6.14 of this act become effective 15 August 1997. Sections 3.1, 3.2, 3.3, 3.4, 3.5, and 6.9 of this act become effective 1 July 1998. Sections 2.2, 5.1, 5.2, 5.4, and 5.7 of this act become effective 1 July 1999. Section 4.5 of this act becomes effective 1 July 1999 and applies to violations and offenses on or after 1 July 1999. ~~Sections 5.1 and 5.2 of this act expire 1 September 2003.~~"

SECTION 2. Section 5.6 of S.L. 1998-225 reads as rewritten:

"Section 5.6. Sections 1.3, 1.5, 1.8, 2.1, 3.2, 3.8, 4.4, 4.5, 4.23, 5.1, 5.2, 5.3, 5.4, 5.5, and 5.6 of this act are effective when this act becomes law. Sections 3.7 and 3.9 of this act become effective December 1, 1998, and apply to offenses committed on or after that date. Sections 1.4, 3.3, 3.4, 3.10, 4.1, 4.2, 4.3, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.24 become effective July 1, 1999. Section 4.6 is effective retroactively to August 14, 1997. Sections 1.1, 1.2, 1.6, 1.7, 3.1, 3.5, 3.6,

1 4.7. and 4.8 are effective retroactively to September 1, 1997. ~~Section 4.15 expires~~
2 ~~September 1, 2003.~~"

3 **SECTION 3.** Section 3 of Chapter 547 of the 1995 Session Laws, Regular
4 Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995
5 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session
6 Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347;
7 Section 6.14 of S.L. 1997-400; Section 15 of S.L. 1998-23; Section 1 of S.L. 1998-56;
8 and Section 1 of S.L. 1999-209, reads as rewritten:

9 "Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation
10 leases shall be imposed in the remaining area of Core Sound not described in Section 1
11 of this act. During the moratorium, a comprehensive study of the shellfish lease
12 program shall be conducted. The moratorium established under this section covers that
13 part of Core Sound bounded by a line beginning at a point on Cedar Island at
14 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N -
15 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at
16 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at
17 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N -
18 76°31'12"W, thence following the shoreline in a northerly direction to the point of
19 beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the
20 Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~October~~
21 ~~1, 2001.~~October 1, 2002."

22 **SECTION 4.** This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

D

DRS4528-SBz-4* (01/06)

Short Title: Stagger Marine Fisheries Commission Terms.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE
FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT
LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-289.4(d) reads as rewritten:

"(d) Terms. – The term of office of members of the Commission is three years. A member may be reappointed to any number of successive three-year terms. Upon the expiration of a three-year term, a member shall continue to serve until a successor is appointed and duly qualified as provided by G.S. 128-7. The term of members appointed under subdivisions (1), ~~(2), and (3)~~ (4), and (7) of subsection (a) of this section shall expire on 30 June of years evenly divisible by three. The term of members appointed under subdivisions ~~(4), (5), and (6)~~ (2), (5), and (8) of subsection (a) of this section shall expire on 30 June of years that precede by one year those years that are evenly divisible by three. The term of members appointed under subdivisions ~~(7), (8), (3), (6), and (9)~~ of subsection (a) of this section shall expire on 30 June of years that follow by one year those years that are evenly divisible by three."

SECTION 2. In order to alter the schedule of staggered terms of three years for the Marine Fisheries Commission and to provide for an orderly transition in membership of the Commission as specified in G.S. 143B-289.54, as amended by Section 1 of this act, notwithstanding G.S. 143B-289.54(d), the following provisions apply:

- (1) Willy Phillips shall serve in the position established by G.S. 143B-289.54(a)(1) through June 30, 2001.
- (2) Robert Southerland shall serve in the position established by G.S. 143B-289.54(a)(2) through June 30, 2001. The term of the individual

1 next appointed to fill this position shall be for two years and shall
2 expire June 30, 2003.

3 (3) Jimmy Johnson shall serve in the position established by G.S.
4 143B-289.54(a)(3) for a term of four years through June 30, 2002.

5 (4) Norman F. Bradford, Jr., shall serve in the position established by G.S.
6 143B-289.54(a)(4) for a term of four years through June 30, 2004.

7 (5) William T. Russ, Jr., shall serve in the position established by G.S.
8 143B-289.54(a)(5) through June 30, 2003.

9 (6) Benjamin Currin shall serve in the position established by G.S.
10 143B-289.54(a)(6) through June 30, 2003. The term of the individual

11 next appointed to fill this position shall be for two years and shall
12 expire June 30, 2005.

13 (7) Barbara Garrity-Blake shall serve in the position established by G.S.
14 143B-289.54(a)(7) through June 30, 2002. The term of the individual

15 next appointed to fill this position shall be for two years and shall
16 expire June 30, 2004.

17 (8) Bryan Gillikin shall serve in the position established by G.S.
18 143B-289.54(a)(8) for a term of four years through June 30, 2003.

19 (9) B.J. Copeland shall serve in the position established by G.S.
20 143B-289.54(a)(9) through June 30, 2002.

21 **SECTION 3.** This act becomes effective June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

D

DRS7530-SBz-3* (01/06)

Short Title: Raise Cap on Funds to Administer FRGP.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CAP ON THE AMOUNT OF FUNDS THAT MAY BE
USED TO ADMINISTER THE FISHERIES RESOURCE GRANT PROGRAM,
AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON
SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 633 of the 1995 Session Laws, as amended by Section 14.3B of S.L. 1998-212, reads as rewritten:

"Sec. 5. Funds appropriated to the Department of Environment and Natural Resources for the Fishery Resource Grant Program under Section 2 of Chapter 324 of the 1994 Session Laws shall be transferred to the Board of Governors of The University of North Carolina for the Sea Grant College Program to administer the Fishery Resource Grant Program. ~~The Sea Grant College Program may use up to seventy five thousand dollars (\$75,000) for administrative expenses relating to the Fishery Resource Grant Program.~~"

SECTION 2. G.S. 113-200 is amended by adding a new subsection to read:

"(j) Administrative Expense. – The Sea Grant College Program may not use more than ten percent (10%) of the funds appropriated for the Fishery Resource Grant Program to administer the Fishery Resource Grant Program."

SECTION 3. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

D

DRS2526-SBz-2* (01/06)

Short Title: Expand Floyd Relief to Include Fish Dealers.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXPAND HURRICANE FLOYD RELIEF TO INCLUDE LICENSED
FISH DEALERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Funds appropriated for grants and loans to commercial
fishermen, described in item G. 20 of the Report of the House Appropriations
Committee on Hurricane Floyd Recovery cited in Section 3.1(f) of the Hurricane Floyd
Recovery Act of 1999, S.L. 1999-463 ES, may be used to provide grants and loans to
fish dealers licensed under G.S. 113-169.3 for losses of income incurred due to the
effects of Hurricane Floyd. Losses of income shall be verified by data collected
pursuant to G.S. 168.2(i).

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

D

DRS1526-SBz-5* (01/10)

Short Title: Amend Fishery Management Plan Revision.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT
3 PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE
4 COMMISSION ON SEAFOOD AND AQUACULTURE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 113-182.1(d) reads as rewritten:

7 "(d) Each Fishery Management Plan shall be ~~revised~~reviewed at least once every
8 ~~three-five~~ years. The Marine Fisheries Commission may revise the Priority List and
9 guidance criteria whenever it determines that a revision of the Priority List or guidance
10 criteria will facilitate or improve the development of Fishery Management Plans or is
11 necessary to restore, conserve, or protect the marine and estuarine resources of the State.
12 The Marine Fisheries Commission may not revise the Schedule for the development of
13 a Fishery Management Plan, once adopted, without the approval of the Secretary of
14 Environment and Natural Resources."

15 SECTION 2. This act is effective when it becomes law.

